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16 UNITED STATES DISTRICT COURT  
17 SOUTHERN DISTRICT OF CALIFORNIA

18 GEN-PROBE INCORPORATED,

19 Plaintiff,

20 v.

21 VYSIS, INC.,

22 Defendant.

No. 99CV2668H AJB

**NOTICE OF LODGMENT IN SUPPORT OF  
PLAINTIFF GEN-PROBE INCORPORATED'S  
MOTION FOR PARTIAL SUMMARY JUDGMENT  
OF NON-INFRINGEMENT UNDER THE DOCTRINE  
OF EQUIVALENTS**

DATE: November 13, 2001

TIME: 10:30 a.m.

DEPT.: Courtroom 1

HONORABLE MARILYN L. HUFF

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:**

**PLEASE TAKE NOTICE** that Plaintiff Gen-Probe Incorporated hereby lodges the following exhibits in support of its Motion for Partial Summary Judgment of Non-infringement Under the Doctrine of Equivalents:

Exhibit 1: A true and correct copy of the Declaration of Dr. Matthew Longiaru in support of Gen-Probe's Motion for Partial Summary Judgment, filed April 30, 2001.

Exhibit 2: United States Patent No. 5,750,338.

- 1 Exhibit 3: True and correct copies of excerpts of the deposition of Jonathan Michael
- 2 Lawrie, Ph.D. taken February 15, 2001.
- 3 Exhibit 4: True and correct copies of excerpts of the Deposition of Walter King, Ph.D.
- 4 taken April 18, 2001.
- 5 Exhibit 5: Saiki et al., "Enzymatic Amplification of beta-globin Geneometric
- 6 Sequences and Restriction Site Analysis for Diagnosis of Sickle Cell
- 7 Anemia," science 230:1350-54 (1985).
- 8 Exhibit 6: True and correct copies of excerpts of the deposition of James C. Richards
- 9 taken March 30, 2001.
- 10 Exhibit 7: A true and correct copy of a letter dated December 15, 1989 from James C.
- 11 Richards to C.W. Orgell, Ph.D.
- 12 Exhibit 8: True and correct copies of excerpts of the deposition of Donald Neal
- 13 Halbert, Ph.D. taken April 19, 2001.
- 14 Exhibit 9: Conceptual drawing of Inventor Lawrie.

15 Dated: October 16, 2001

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GEN-PROBE, INC.

By:   
\_\_\_\_\_  
J. Christopher Jaczko

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